

IN THE COURT OF APPEALS OF TENNESSEE
WESTERN SECTION AT JACKSON

MARTIN H. AUSSENBERG)	
)	
Plaintiff/Appellant,)	Shelby Equity No. 100699-1
)	
vs.)	
)	
BRUCE S. KRAMER, DAVID J.)	Appeal No.
COCKE, AND BOROD AND)	02A01-9411-CH-00262
KRAMER,)	
)	
Defendants/Appellees.)	

FILED

August 8, 1996

Cecil Crowson, Jr.
Appellate Court Clerk

ORDER

Appellant Aussenberg has filed a petition for rehearing in this cause. Included in the petition is an assertion that Judge Holly Kirby Lillard should have recused herself from consideration of this matter. This assertion is based on “Judge Lillard’s previous employment with the Defendants/Appellees” as a summer law clerk fifteen years ago in 1981. Appellant Aussenberg contends that Judge Lillard’s failure to recuse herself on this basis violates the Tennessee Constitution and the Code of Judicial Conduct.

It should be noted that Appellant Aussenberg did not raise the issue of recusal until after this Court had issued a ruling adverse to Aussenberg. More important, the argument presented by counsel for Aussenberg borders on the absurd. We do not perceive that a judge’s employment as a summer law clerk fifteen years earlier is a basis for recusal.

After reviewing the Petition to Rehear in its entirety, the Petition is denied. Costs are taxed to the Appellant, for which execution may issue if necessary.

Enter this ____ day of July, 1996.

HOLLY KIRBY LILLARD, J.

W. FRANK CRAWFORD, P.J., W.S.

DAVID R. FARMER, J.